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SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 29 March 2001, at 6 p.m.

Chairperson: Mr MENDOÇA MOURA (Portugal) Vice-Chairperson
Later: Mr DESPOUY (Argentina) Chairperson

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The meeting was called to order at 6.15 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD (agenda item 9) (continued) (E/CN.4/2001/36, 39, 42, 44, 45 and Add.1 and Add.1/Corr.1, and 47 and Add. 1)

1. Mrs. ROBINSON (United Nations High Commissioner for Human Rights), presenting her report on the situation in the Republic of Chechnya of the Russian Federation (E/CN.4/2001/36), said she had recently met the Russian Deputy Minister for Foreign Affairs, Mr. Ordzhonikidze, who had told her that the Government was endeavouring to restore respect for human rights in Chechnya and was concentrating on ensuring peaceful life there. To that end, some troops had been withdrawn and a civilian administration was being established. At the meeting, she had reiterated her position that the level of the Government's response should be commensurate with the seriousness of the allegations of human rights abuses in Chechnya. There was a significant disparity between the number of allegations of human rights abuses in Chechnya and the number of criminal cases that had been opened. Mr. Ordzhonikidze had informed her that the authorities were working to bridge the gap and that the Russian President had said all those responsible for human rights violations would be brought to justice in accordance with the law. She urged the Government to deliver on that pledge. The fundamental issue still outstanding was that none of the mechanisms put in place had the key attributes normally associated with an independent commission of inquiry.

2. Addressing the problem of lawlessness and impunity was of the utmost importance for the restoration of peace and ordinary living conditions in Chechnya. Other concerns included the economic, social and cultural rights of people from Chechnya; the fact that there had been no significant return of displaced persons; and the general seriousness of the humanitarian situation in the region. The Russian authorities had stated that they had allocated considerable funds to deal with those problems, but the plight of ordinary people remained very difficult.

3. The Commission had asked for five of its special mechanisms, including the Special Rapporteurs on violence against women and against torture, to undertake missions to Chechnya and the neighbouring republics. To date, only the Special Representative of the Secretary-General on Children and Armed Conflict had received an invitation. Such visits were important, not only for monitoring purposes, but because the special mechanisms could also assist the Government in assessing problems, identifying remedies and facilitating domestic dialogue. Mr. Ordzhonikidze had assured her that the Russian Federation was willing to cooperate with the international community regarding the situation in Chechnya and she reiterated her Office's readiness to develop cooperation in that connection.

4. Mr. MALGUINOV (Russian Federation) said the Russian Federation remained committed to the idea that the human rights situation in a given country might be a subject of concern for the international community. However, progress in human rights could only be achieved through dialogue and cooperation. Exerting pressure was counter-productive.

5. Despite the fact that Russia did not consider itself bound by the provisions of Commission resolution 2000/58, for reasons it had made clear on previous occasions, it had

shown itself ready to enter into dialogue with those countries and international organizations that were truly interested in the situation in Chechnya. Unfortunately, descriptions of the situation often relied on unfounded accusations and unchecked facts and did not reflect reality.

6. The High Commissioner's report did not take full account of the Government's significant efforts. The local authorities and the population at large were involved in implementing concrete measures aimed at normalizing the situation in Chechnya, both in the social and in the economic sphere and with regard to law enforcement and the judiciary. At the same time, however, the rebels were continuing their terrorist activities in order to spread fear among the local population, prevent the return of internally displaced persons and impede the resumption of normal life. For some reason, little had been said about those activities in the Commission.

7. The Government had informed the High Commissioner of the measures it had taken, one of which was to convene a joint working group of representatives of the Office of the Procurator-General, including the Office of the Military Procurator, and of the Office of the Special Representative of the President of the Russian Federation for the Promotion of Human and Civil Rights and Freedoms in the Chechen Republic, Mr. Kalamanov. The working group would also help supervise the Office of the Procurator-General in its handling of complaints examined by Mr. Kalamanov's office for eventual submission to the courts, and would publicize investigations.

8. Russia was not refusing to cooperate closely with international institutions. A first joint meeting with representatives of the Council of Europe's Parliamentary Assembly on issues relating to the normalization of the situation in Chechnya had recently been held in the State Duma. A working group on humanitarian assistance in Chechnya, which included representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), the European Community Humanitarian Office (ECHO) and the International Committee of the Red Cross (ICRC), had met recently, under the chairmanship of the Minister responsible for social and economic issues in Chechnya. Russia was thus demonstrating the seriousness of its intentions to normalize the situation in Chechnya.

9. Mr. COPITHORNE (Special Representative on the situation of human rights in the Islamic Republic of Iran), presenting his report (E/CN.4/2001/39), said the situation in Iran's complex, sophisticated society could not be presented in a few pages without selecting and generalizing, which inevitably entailed a degree of subjectivity and the risk of oversimplification.

10. In the three months since he had finished his report, the situation with regard to freedom of expression and of the press had not improved, with legal proceedings against publications and journalists continuing. He had now received an agenda for the reform of the legal system, however, and looked forward to its speedy implementation.

11. Judges still appeared to be making frequent use of pre-trial detention, particularly of journalists, intellectuals and dissidents, many of whom were held incommunicado. Although judgment had been handed down in the serial killings case (report, para. 82) and the Berlin Conference case (report, para. 88), concerns still remained. The recent detention of 21 liberal-

minded activists by the Revolutionary Court for "conspiring to topple the Islamic regime" was of particular concern and was inconsistent with the declared intent of creating a tolerant, pluralist society.

12. The Majlis attempts at reform through legislation, including reform of the situation of women, continued to meet resistance from the Guardian Council and few proposals made their way through the system to become law. Despite the painfully slow progress, the Iranian people's appetite for reform appeared undiminished and he urged all branches of the Government to set themselves the collective goal of improving the human rights situation in their country as a matter of profound urgency.

13. Mr. MOLANDER (Observer for Sweden), speaking on behalf of the European Union and the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, said that concerns about specific human rights situations should be raised in a spirit of cooperation and understanding. When individuals fell victim to intolerance, exploitation, persecution or brutality, it was everyone's duty not only to speak out, but also to engage with and assist those who tried to improve respect for human rights. The members of the European Union were ready to cooperate with the United Nations human rights mechanisms and urged all Governments to do likewise.

14. The Union welcomed the changes brought about in the Federal Republic of Yugoslavia by the elections in 2000. Yugoslavia should strive to meet the criteria of the European Union "regional approach" agreed by the Council of Europe in 1997, and build on the commitments it had made to respect for human rights and the rule of law, full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), respect for and protection of minorities, economic reforms and compliance with the Dayton/Paris Accords. In that context, the Union expected all remaining Kosovo Albanian political prisoners in Serbian prisons to be released without delay.

15. The Union attached the highest importance to the implementation of Security Council resolution 1244 (1999) and called on all parties to cooperate with the United Nations Mission in Kosovo (UNMIK) and the international security force (KFOR). The Union was committed to a democratic, multi-ethnic Kosovo and urged the people and their leaders to comply fully with efforts to end all acts of ethnic and political violence, which would lay the foundations of a society in which all could enjoy full and equal rights without discrimination. It encouraged dialogue the FRY and the Kosovo Albanian leaders with regard to the missing Serbs in Kosovo and welcomed the signature of a ceasefire by Yugoslav Serb and ethnic Albanian representatives in south-east Serbia, which constituted an important step towards a political solution in that area.

16. The European Union urged the Government of the former Yugoslav Republic of Macedonia to show restraint in the current crisis and leaders of the ethnic Albanian community there to renounce violence. It welcomed Albania's progress towards democracy and the rule of law and invited the Government to step up its efforts to protect human rights. In Croatia, too, significant progress had been made towards democracy and the rule of law, and in bringing individuals to account for abuse of power and criminal offences under previous regimes, but the return of refugees and displaced persons and reform of the judicial system, especially at the local level, were taking rather longer to implement.

17. The European Union was concerned about reports of arbitrary detentions in Belarus and violations of labour rights and the freedom of expression, association and peaceful assembly. It called upon the Government not to interfere in judicial proceedings and to take legislative measures to strengthen civil and political rights. Restrictions on political and religious freedom, *inter alia*, in Turkmenistan and Uzbekistan were cause for concern, it was also regrettable that the latest presidential elections in Kyrgyzstan had not met international standards for free and democratic elections, and the Union hoped Kyrgyzstan would soon resume its earlier progress towards democratization and respect for human rights.

18. The European Union had taken note of Syria's efforts to create a more open and tolerant political climate and hoped that recent setbacks, including deficiencies in arrest and detention procedures and the lack of freedom of expression, of assembly or of association, would prove only temporary. The Union welcomed Saudi Arabia's ratification of the Convention on the Elimination of All Forms of Discrimination against Women and hoped it would withdraw its reservations to the Convention. It also welcomed Saudi Arabia's cooperation with United Nations human rights mechanisms. However, it was still deeply concerned about reports of torture, the increasing use of the death penalty and amputations, restrictions on fundamental freedoms, and the lack of transparency and other serious deficiencies in the judicial process. In that context, it looked forward to an early visit by the Special Rapporteur on the independence of judges and lawyers.

19. The European Union noted that the President of Kenya had publicly denounced methods of political violence, and called upon the Government of Kenya to investigate reports of torture and death in police custody and to instruct the police to uphold the freedoms of assembly, association and expression without discrimination. The Union was deeply preoccupied by the alarming human rights situation in the Democratic Republic of the Congo. Occupying forces should be held responsible for human rights violations in territory under their control. Progress had been made in Uganda: the European Union commended the work of the Amnesty Commission to implement the Amnesty Act in Northern Uganda, and there had been improvements with regard to freedom of speech and the media. Serious violations still occurred, however, including abductions and rapes, and recruitment of child soldiers, and the Union called on the Government to investigate allegations of torture and killings.

20. Rwanda had speeded up procedures to deal with the massive caseload from the genocide, but the European Union was concerned about the recruitment of child soldiers and the harsh conditions and reports of torture in prisons and detention centres. It hoped that free and fair elections would be held by the end of 2003. In Burundi, the Arusha peace agreement had been an essential step towards reconciliation and normalization, yet impunity and human rights violations continued to create a climate of violence and insecurity. The Union condemned the use of torture, extrajudicial executions, enforced disappearances and arbitrary detentions by the army and security forces in response to violence from the armed groups and called on the Government to take effective steps to prevent them.

21. The European Union denounced the political violence in Zimbabwe, including attacks on the media and the judiciary, and renewed its call for impartial investigations into all serious human rights violations. In Equatorial Guinea, a single-party regime still prevailed in practice,

and the Union called on the Government to re-establish its dialogue with all the political parties, to ensure the independence and efficacy of the National Electoral Committee, and to give its full support to the Commission's Special Representative. The European Union was seriously concerned about the findings of the joint United Nations/Organization of African Unity (OAU) International Commission of Inquiry for Togo, which confirmed the allegations of extrajudicial killings and disappearances in connection with the 1998 elections. It urged implementation of the framework agreement of July 1999, particularly with regard to free and fair elections in October 2001.

22. The European Union welcomed the ceasefire agreement between the Government of Sierra Leone and the Revolutionary United Front (RUF) and commended the role of the Economic Community of West African States (ECOWAS), and particularly its initiative aimed at guaranteeing humanitarian organizations access to the troubled border area between Sierra Leone, Guinea and Liberia. The Union also welcomed the Security Council's decision to impose sanctions on Liberia and to establish a special court to try individual perpetrators of grave human rights violations in Sierra Leone.

23. In Afghanistan, civilians were still subjected to massive human rights violations and, in the absence of an independent justice system, religious law was applied arbitrarily. There was systematic discrimination against women and girls in education, employment and health care, for example, and teenagers were reported to have been forcibly recruited as fighters. The European Union called on all parties to cooperate with United Nations representatives to investigate reports that civilians had been massacred and to seek an end to the civil war.

24. India and Pakistan were urged to take steps to protect the rights of religious minorities. The Union also urged Pakistan to abolish its blasphemy laws and make efforts to prevent communal and sectarian violence. It took note of the declared intention of the Pakistani authorities to improve the situation with regard to democracy, the rule of law and human rights and called for speedy restoration of elected civilian rule. It was seriously concerned about attempts to manipulate the judiciary and about allegations of the use of torture, lack of fair trial and arbitrary detention. The Union hoped that the allocation of 30 per cent of seats in local assemblies to women would help improve women's human rights situation. The Government should take steps to stop the deplorable practice of "honour killings" of women and girls. Sri Lanka's establishment of an inter-ministerial standing committee to coordinate responses to United Nations human rights mechanisms was welcome. The European Union urged the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE) to negotiate a peaceful solution to the conflict.

25. The European Union welcomed China's signing of a Memorandum of Understanding with OHCH, its ongoing reform of the judicial and legal system, and its ratification of the International Covenant on Economic, Social and Cultural Rights. It hoped the Government would soon bring its legislation into line with the provisions of the Covenant, including article 8, paragraph 1, on trade union rights. The Union attached great importance to its human rights dialogue with China. Dialogue was justified if positive developments took place on the ground. The steps China had taken, though welcome, fell far short of addressing the widespread human rights violations in China, and the Union was deeply concerned at, *inter alia;* the harsh treatment

meted out to democracy activists, religious practitioners and Falun Gong followers, the use of the death penalty and violations of the rights of women and children.

26. The human rights situation in the Democratic People's Republic of Korea remained in many ways closed to outside observation. The European Union was deeply concerned about the denial of fundamental freedoms and the situation of political prisoners, the absence of the rule of law and the grave humanitarian situation. The European Union urged the Cambodian authorities to press on with their measures to prosecute individuals responsible for the most serious crimes committed under the Khmer Rouge regime. The Union welcomed Indonesia's improvements to its legal and institutional framework and the fact that freedom of expression and association were now respected. However, it was concerned at the continuing disappearances, arbitrary detentions, extrajudicial executions and torture, and at the imprisonment of individuals who were striving for autonomy in a peaceful manner. The Union supported Indonesia's territorial integrity, but encouraged it to deal with its people's aspirations to autonomy through dialogue.

27. Admittedly, unilateral measures with extra-territorial effect had an adverse impact on the socio-economic conditions in Cuba, but the European Union deplored the continued suppression of civil and political rights and fundamental freedoms in Cuba. An open and meaningful dialogue on all human rights issues and cooperation with the United Nations human rights mechanisms was in the best interests of Cuban society.

28. Lastly, he said that a fuller version of his statement had been circulated to delegations in printed form.

29. Mr. DEMBRI (Algeria) said debate on agenda item 9 had become an occasion for the expression of biased, Manichaean views on an issue that was highly complex and open to a range of perceptions, and had thus far thwarted progress towards genuine, universal humanism. It was time to work together to transform agenda item 9 from a relic of the ideological confrontations of the Cold War to an arena for dialogue and consensus.

30. It was surprising that the European Union had presented a country-by-country catalogue of human rights situations, for while there was no doubt that the majority of its members had gradually embraced an ever broader concept of human rights and citizenship, the Union could not set itself up as a judge over the rest of the world as long as it failed to criticize any of its own members. He had consulted a number of European sources, including documentation from European regional human rights bodies, which had revealed that human rights violations also occurred in European Union member States and in its associated countries.

31. National minorities, for example, continued to be excluded and subjected to discriminatory practices and indigenous European peoples, Basques, the Northern Irish, Catalans and Travellers, *inter alia*, were claiming the rights contained in international human rights instruments. Descendants of immigrants continued to be denied citizenship as a result of policies reminiscent of Aryanization, which openly gave preference to nationals in access to, for example, the civil service and the labour market.

32. Prison staff and police used torture with impunity and prison conditions were in some cases inhuman. If used against foreign detainees or deportees, such violence was frequently

unreported and unpunished, even if it resulted in death. No African would ever forget the image of the Nigerian woman suffocated between a gendarme's thighs or the inhuman "cushion technique", and who could forget the immigrant families burnt alive in their houses?

33. Twenty per cent of Europe's children were victims of exclusion, sexual abuse, violence and discrimination. The Roma continued to be victims of a policy of apartheid in the Czech Republic and elsewhere, while disabled persons were sterilized in Scandinavia under a policy of eugenics.

34. Extremist political parties and associations that openly preached racism and intolerance and incited people to hatred and violence were legal. The events at El Ejido, in Spain, had been a significant example of that and reminiscent of the pogroms of the past. Migrant workers and established foreign communities in some countries lived in a state of permanent uncertainty since they were denied the right to vote and access to social benefits.

35. Lastly, while Europe's advocates of transparency and openness required others to admit European NGOs, which received Community funding to the tune of US$ 1.4 billion per year, they did not allow Third World NGOs to conduct inquiries in Europe. His delegation considered it imperative to restore the debate on agenda item 9 to its true stature by conducting it in the spirit of the consensus on the universality, indivisibility and non-selectivity of human rights reached at the 1993 World Conference on Human Rights in Vienna.

36. Mr. HARAGUCHI (Japan) said that it was important to bear in mind the complexity of the context when addressing human rights situations in specific countries. Human rights abuses should always be exposed and condemned, but the question was how to go about it without appearing self-righteous. The key was a good mixture of commendation, cooperation and criticism. If it was clear that, because of certain constraints, a government would need time to resolve a situation, it should be advised on how to meet internationally accepted standards and offered relevant technical cooperation. However, the government should not use those constraints as an excuse to justify any failure to make improvements. In its own approach to specific human rights situations in the world, his delegation had always tried to speak with humility and hope, giving sincere advice that the countries concerned might find useful.

37. Japan viewed the serious human rights situation resulting from the continued clashes in the Middle East with the utmost concern and it urged the parties to make a determined attempt to break the cycle of violence, by resuming both close security cooperation and efforts to reach a just, lasting and comprehensive peace. Japan would welcome discussion among the members of the Commission as a contribution to the peace efforts.

38. His country commended the Secretary-General for convening proximity talks between the parties to the Cyprus dispute and hoped that decisive progress would be made. Human dignity was deteriorating in Afghanistan and Japan hoped the authorities there would be open to constructive offers of cooperation from the international community. The situation in Iran had developed in both positive and negative ways recently, but showed a favourable trend overall and Japan would be following it carefully. As for the situation in East Timor, the international community must live up to its own commitments by sparing no efforts to find a genuine solution.

39. Japan had begun bilateral talks with China, in the hope of guaranteeing the human rights of the peoples of both countries, and it looked forward to the next round. China's ratification of the International Covenant on Economic, Social and Cultural Rights was a valuable contribution to the protection and promotion of human rights and the development of the potential of one quarter of the human race.

40. It was important to recognize and give credit to other member States for any positive steps they took, and it was gratifying to note that Myanmar appeared to be more willing to cooperate with the international community on the issue of human rights. Japan cherished its bilateral talks with Cuba as an opportunity for dialogue on the human rights situation there, and hoped the Government would cooperate actively and constructively with the Commission.

41. Mr. Kyung-seo PARK (Republic of Korea) said his delegation was particularly concerned about large-scale systematic human rights violations in conflict-ridden regions. Acts that diminished human dignity could not be justified on any grounds, whether tribal, racial, cultural or religious. Despite the remarkable strides made in the protection and promotion of human rights and the global trend towards democracy around the world, repressive regimes continued to commit gross human rights violations.

42. Particular attention should be paid to the rights of vulnerable groups. Many women and girls continued to be victims of trafficking and sexual exploitation. Korea welcomed the adoption by the General Assembly of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Children were the most vulnerable of the vulnerable. The Special Session of the General Assembly for Follow-up to the World Summit for Children would be a timely opportunity for States to review the progress made since 1990 and renew their commitment to action.

43. His delegation applauded the efforts of UNHCR and States to implement the Convention relating to the Status of Refugees and his Government would fully support the activities of the UNHCR liaison office that would be opening shortly in Seoul. However, the international community should also make greater efforts to protect the basic human rights of those who risked their lives to escape starvation and destitution. Failure to eradicate poverty would undermine efforts to promote human rights. Ensuring economic, social and cultural rights and the right to development was now a priority for the international community, although the primary responsibility rested with each Government.

44. Many Korean families - some 10 million people in all - had lived with the pain of separation for 50 years, but, as a result of government efforts to resolve what was seen as a human rights issue, historic inter-Korean talks had been held in 2000, and visits and correspondence subsequently exchanged among family members. It was hoped to establish a permanent meeting centre for separated families. His delegation counted on the support of the United Nations and the international community in putting an end to that humanitarian tragedy.

45. Mr. DIENSTBIER (Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia), introducing his report (E/CN.4/2001/47 and Add.1), said that, despite the great changes following the recent

elections in Croatia and Yugoslavia, the legacy of the wars and ethnic cleansing remained. Some progress had been made in Bosnia and Herzegovina, where the three main nationalist parties were no longer represented in the Government, but the country was still divided. Its fate depended on developments in other parts of the Balkan peninsula.

46. In Croatia, the new Government was developing European democratic standards and helping to stabilize the region by refusing to support the Croatian separatists in Bosnia and Herzegovina. The new Yugoslav and Serbia administrations had been in power for only a few months but were already preparing the legislation needed to put the country on the road to democracy, the rule of law and respect for human rights, including the rights of national minorities.

47. An urgent response was needed to aggression by armed Albanian extremists in southern Serbia and the former Yugoslav Republic of Macedonia, and by extremists in Kosovo, which had already caused dozens of deaths and created tens of thousands of new refugees. The crisis must not be dealt with in isolation but as part of the still unresolved problems caused by the violent break-up dissolution of the former Yugoslavia, and as a possible detonator of further violence. The first essential step was for the international community to accept that its operation in Kosovo had failed and that UNMIK and KFOR had not done their job. The extremists had not been disarmed, Kosovo had become a haven for mafias, up to 250,000 Serbs, Romas and other non-Albanians had been expelled and robbed of their property, and the remaining minorities lived under virtual siege in ghettos protected by KFOR units. Even moderate Albanians lived in fear, and standards in the judiciary and the prison system were completely unacceptable.

48. Considering the experience of Munich before the Second World War, it was strange that the international institutions had adopted a policy of appeasement towards the extremists. However, the reason was clear: KFOR was reportedly under orders not to allow one soldier to be wounded. It was impossible to fight the extremists without being prepared to take the necessary risks. The approach should be one of cooperation with the majority of the Albanian people, who had confirmed their opposition to violent extremism in the October 2000 communal elections.

49. The cooperation between UNMIK, NATO and the Governments of Yugoslavia and the former Yugoslav Republic of Macedonia, and the activities of the new Special Representative of the Secretary-General, Mr. Haekkerup, in preparing the legal framework for provisional government in Kosovo and for the full participation of all Kosovo citizens, augured well in the long-term, as did the programme of the Serbian Deputy Prime Minister, Mr. Covic, for a complex solution to the crisis in southern Serbia. Success would nonetheless require immediate steps to be taken to seal borders, disarm the province and punish all those who preached ethnic hatred. Those Albanians who opposed violence should be supported and protected. There was reason to fear for the security of international personnel in Kosovo, and with Albanian extremist propaganda apparently circulating in Montenegro and Croat and Serb nationalists active in Bosnia, there was a risk of the conflict spreading to other areas unless the violence could be stopped by all possible means. The task was clear: UNMIK and KFOR must finally implement Security Council resolution 1244 (1999) in full.

50. The Government of Croatia, in the light of the progress it had made, had suggested ending the Special Rapporteur's mandate for Croatia. That was understandable, but it could be

seen that most of the important human rights issues cut across international borders, were subject to the same principles and could not be solved on a national basis. Moreover, Croatia was a signatory and guarantor of the Dayton agreement. Others were suggesting ending the entire mandate of the Special Rapporteur, as the whole situation had changed. He would support that, provided the Commission established a new mechanism for dealing with human rights issues in those parts of Southeastern Europe that had been, were and might again be affected by conflicts and violence. The most counter-productive measure would be to end the mandate and appoint a Commission representative only for Bosnia and Herzegovina and the Federal Republic of Yugoslavia, and not for the whole region. It would repeat the old mistakes of treating problems individually and not as interconnected parts.

51. Special Rapporteurs for human rights provided independent information on human rights situations and their findings were not always to Governments' liking. But if they only commended Governments' actions, Special Rapporteurs' mandates would be superfluous. He himself reported what he saw, heard and thought, and that was appreciated not only by local people in the region but also by diplomats. The only hope for the future lay in a truthful, independent description of the situation.

52. Ms. CEK (Obsever for Croatia) said that the credibility of the Commission's human rights mechanisms came from the fact that they covered only the few countries where genuine patterns of human rights violations existed. Special Rapporteurs' mandates should not be automatically prolonged, particularly when they began making doubtful accusations to make up for a lack of material. The Council of Europe had ceased monitoring the human rights situation in Croatia because of the improvements that had been made. Her Government was seriously concerned that the Commission's Special Rapporteur did not appear to share the view of other international monitors.

53. Referring to the addendum to the report (E/CN.4/2001/47/Add.1), she said the Special Rapporteur believed a regional approach to human rights issues was needed. Her Government was well aware of the regional dimension of the process of refugee return, but did not share the opinion that returnees' human rights could be protected only by such an approach.

54. The Government of Croatia addressed the regional dimension of the return process by cooperating with concerned countries and international institutions to identify the most efficient solutions. Full resolution of the problem depended not on the Government's willingness to tackle it but on objective economic obstacles. Her delegation believed that the mandate of a Special Rapporteur to monitor the human rights situation no longer made a concrete contribution to solving the problem. Moreover, contrary to what might be expected, the Special Rapporteur did not seem to pay equal attention to all the minorities in the countries covered by his mandate.

55. As to the property rights of returnees, the Special Rapporteur's use of the expression "easy" cases (E/CN.4/2001/47, para. 54) oversimplified a complex problem, implying that there were more or less simple human rights violations and that the Special Rapporteur was sparing the Government by requesting it to deal with the easy ones. The Government's view was that every case deserved the same attention. Property rights cases were dealt with on the basis of due process and court decisions applied in a non-discriminatory fashion.

56. The Government was genuinely surprised to find no mention of its cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). The fact that Croatia was trusted to hold some of the trials was an indication of its determination to punish war crimes regardless of the ethnicity of potential perpetrators. Similarly, the fact that, in the past year, amnesty had been granted to 80 ethnic Serbs who were convicted war criminals, was an indication of the Government's understanding of the efforts required in the direction of reconciliation and encouragement of return.

57. With reference to paragraph 16 of the addendum to the report, she said the Special Rapporteur condemned the rise of nationalism and the right in Croatia on the basis of two cases, ignoring the fact that the majority had recently voted for a democratic, non-nationalist Government. In any case, the Government was determined to allow the expression of different opinions even where demonstrations or newspaper articles did not support its policy.

58. Despite the challenges it still faced, her Government was determined to accept and implement the highest standards for promoting and protecting human rights and remained open and ready to cooperate with other Commission mechanisms and with all other international and regional bodies that addressed the issues in an objective and constructive manner.

59. Ms. KEITA BOCOUM (Special Rapporteur on the situation of human rights in Burundi), introducing her report (E/CN.4/2001/44), said that the first part was on the political, economic and social situation and, in particular, developments in the peace process since the signing of the Arusha Agreement. The second part dealt with specific human rights, including women's and children's rights, and with the situation of the Twa minority. The third part was about the justice system, the rule of law and the promotion of human rights, and the last two parts contained observations and recommendations.

60. The situation in Burundi was that as long as there was no ceasefire, the war could be used as an excuse for continued human rights violations. After her visit to the country, security had seriously deteriorated as a result of attacks by the Forces nationales pour la libération (FNL) around Bujumbura and by the Forces pour la défense de la démocratie (FDD) in the east of the country, which had left many dead and forced large numbers to flee their homes. Even after Kinama had been retaken, the political situation had remained explosive and the Government had been responsible for numerous violations of the right to freedom of expression and of the press, for example harassing and detaining journalists who had arranged and published an exclusive interview with an FNL spokesman. Such violations merely heightened the political tension and the Government should be called on to make an effort to fulfil its international human rights obligations.

61. The regional summit on the situation in Burundi and the question of leadership during the transition, convened on 26 February 2001 by the facilitator, Mr. Nelson Mandela, had recommended that the President for the first half of the three-year transition period should be from the pro-Tutsi G10 party, with a Vice-President from the pro-Hutu G7 party, and vice versa for the second half. The Arusha talks had resumed on 19 March 2001, with discussions in the Arusha Agreement Implementation Monitoring Committee, chaired by the Special Representative of the Secretary-General for the Great Lakes region, and at a meeting of the 19 signatories of the 28 August 2000 Agreement, chaired by the representative of the facilitation

team, Mr. Marc Bomani. The two rebel groups, which had made the release of political prisoners a precondition for discussing a ceasefire, had not taken part, however, and the Government continued to demand a ceasefire before it would establish a transitional Government. The Monitoring Committee had now decided to establish a commission on political prisoners, in accordance with the Arusha Agreement, and she recommended that OHCHR should be asked to provide expert assistance in that regard.

62. In short, little progress had been made towards peace despite all efforts. Children, the elderly, women and innocent people were suffering and dying every day as poverty and famine spread, but also because of the intransigence of those responsible for the conflict. She called on all who were concerned for human rights in Burundi and the Great Lakes region to step up their efforts to bring the war to an end.

63. Mr. MOUSSALLI (Special Rapporteur on the situation of human rights in Rwanda), introducing his report (E/CN.4/2001/45 and Add.1 and Add.1/Corr.1), said that the situation in Rwanda required constant attention from the Rwandese authorities and the political, technical and financial support of international community. However, there had been a number of positive developments in human rights in Rwanda. The National Human Rights Commission had begun its work, but was not yet perceived by civil society as an independent, efficient human rights institution. The President and the Commissioners were, however, aware of the criticisms and acknowledged that they had concentrated too much on establishing internal structures and had neglected to publicize their work. They now planned to rectify that through regular reports and radio broadcasts, with a view to initiating a dialogue on human rights around the country.

64. Inhuman conditions in prisons and the cachots persisted owing in part to continuing overcrowding. However, the number of prisoners was declining and the Government's courageous introduction of the traditional justice system known as *gacaca* seemed to be proving successful. It should make it possible to bring the perpetrators of the genocide to justice and release the innocent, thereby reducing the prison population and reinforcing the link between justice and reconciliation. However, the Government should also speed up the transfer of responsibility for the cachots from the local authorities to the Ministry of the Interior, so that adequate funding was assured, a course that would also make it possible for OHCHR to provide assistance.

65. The situation of women and children was still a major concern. It was they who had suffered most from the tragic consequences of the genocide. The Government was nonetheless making great efforts to improve their situation and strengthen protection.

66. It was clear that the Government and national institutions, together with representatives of the international community in Rwanda, were working towards reconstruction on the basis of justice, unity and democracy after the decades of injustice and ethnic division that had culminated in the 1994 genocide. However, he still felt strongly the underlying fear that continued to stalk the Rwandan people, ready to break out into violence at any moment. The absolute priority must be to establish an atmosphere of peace and security so that Rwandans could live without fear for tomorrow. He therefore welcomed the President's words, to the effect that the Government's aims - reducing poverty, decentralizing and democratizing Rwanda and

developing a State based on the rule of law and respect for human rights - were closely tied in with the re-establishment of a climate of confidence and national unity.

67. Rwanda, one of the poorest countries in the world, was recovering from one of the most appalling tragedies of modern times. He called once again on the international community to support its efforts.

68. Mr. DESPOUY (Argentina), Chairperson, took the Chair.

69. Mr. MUCYO (Rwanda) paid tribute to the Special Rapporteur for the professionalism, competence, independence and transparency with which he had carried out his mandate. Every year there had been a tangible improvement in the human rights situation in Rwanda, and where problems persisted, solutions had been sought in collaboration with NGOs and the United Nations specialized agencies. His Government categorically denied, however, that torture was practised in prisons and cachots, or that children were recruited into the armed forces.

70. The Special Rapporteur's successful discharge of his mandate, and the positive developments he had described in his reports, meant that a pattern of gross, systematic violations of human rights no longer existed in Rwanda and his delegation therefore saw no further need for the renewal of that mechanism under agenda item 9.

71. Mr. MAVROMMATIS (Special Rapporteur on the human rights situation in Iraq), introducing his report (E/CN.4/2001/42), said he believed his major objective was not only to report on the human rights situation in Iraq but also to identify ways and means of improving it. He hoped, therefore, that the dialogue he had begun with the Permanent Missions of Iraq to the United Nations in Geneva and New York would continue.

72. He was still awaiting an invitation from the Government of Iraq to visit the country, which he believed to be absolutely essential if he was to discharge his mandate fully. In the meantime, he had visited the Islamic Republic of Iran, where he had met religious dignitaries and other Iraqi citizens who had sought refuge there. He had subsequently addressed a number of communications to the Government of Iraq concerning the allegations that had been made to him in Iran and other written reports he had received concerning human rights violations. He had received oral refutations of some of those allegations and a promise of written responses.

73. Summarizing the most important points from his report, he said that, in the context of economic, social and cultural rights and the humanitarian situation in Iraq, it was his impression that, although the oil-for-food programme had met certain immediate needs of the people of Iraq, it was a short-term response to the unintended long-term detrimental humanitarian effects of the economic sanctions imposed on Iraq. He shared the concern of the Secretary-General about the volume of contracts placed on hold by the Security Council Sanctions Committee established under resolution 661 (1990), which now amounted to US$ 3.1 billion. He hoped those issues could be addressed urgently in order to alleviate the adverse effects on the Iraqi population, and remained hopeful about a positive outcome from the dialogue now envisaged between the Government of Iraq and the United Nations.

74. Lastly, it would help the Special Rapporteurs enormously if the Commission would urge all States to cooperate with them in the discharge of their functions and to follow up on their moral commitment to the promotion and protection of human rights by providing the requisite financial support to enable OHCHR to fulfil its mandate efficiently and effectively.

75. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea), speaking in exercise of the right of reply, said his delegation categorically rejected the accusation made by the observer for Sweden on behalf of the European Union, regarding human rights in his country. Nearly all European Union member States now had diplomatic relations with the Democratic People's Republic of Korea, yet the observer for Sweden persisted in maintaining a Cold War mentality by repeating at face value distorted information fabricated by hostile forces in order to defame his country. The European Union's attitude was hypocritical: it frequently accused others but had never honestly criticized itself or its allies. The European Union should observe the principle of objectivity and impartiality by taking account of the reality of relations between his country and the European Union member States and looking at the gross violations of human rights, including racial discrimination and human trafficking, in its own region.

76. Mr. GASPARD (Observer for Haiti), speaking in exercise of the right of reply, and referring to paragraph 45 of the fuller, printed version of the statement made by the observer for Sweden on behalf of the European Union, said that the political developments in Haiti, far from being disturbing, were an indication of a real will on the part of the main actors concerned to enter into a dialogue, which the Government was convinced was the only way to resolve the situation. As a solution to the crisis, the Minister for Foreign Affairs had suggested to the Permanent Council of the Organization of American States (OAS) that early elections for one third of the Senate and the entire Chamber of Deputies should be held in 2002.

77. On the subject of political violence, he said the Government had made great efforts to ease social and political tensions. The President had appealed for calm and peace and a range of measures had been taken to punish all acts of violence.

78. Mr. HUSSAIN (Pakistan), speaking in exercise of the right of reply, said the fact that he was responding to the remarks made by the observer for Sweden on behalf of the European Union should not be taken as a legitimization of the practice of criticism and name-calling that had become a feature of debate in the Commission, particularly under agenda item 9. The European Union's comments on the judiciary and the administration of justice in Pakistan reflected a collective failure to comprehend the situation on the ground. Pakistan had hoped that the European Union, as a self-proclaimed champion of human rights, would have paid more attention to Pakistan's statement to the Commission on 23 March, which had outlined the many measures the Government had taken in the past year to further improve the human rights situation in Pakistan.

79. The Government had condemned the practice of so-called "honour killing" at the highest level and was determined to eradicate it and hold all perpetrators to account. In that respect, the European Union's statement was biased and partial, since it associated the practice with only one country and because it ignored crimes of passion and mercy killings in the European Union, which were equally reprehensible crimes against women.

80. Mr. PEREZ-VILLANUEVA Y TOVAR (Spain), speaking in exercise of the right of reply, said that the representative of Algeria had referred to the Basques and Catalans as national minorities that continued to be victims of discrimination. He would provide the representative of Algeria with copies of the Spanish Constitution and the Basque and Catalan Statutes of Autonomy so that he could see how Spain treated its minorities. It was gratifying to hear that the representative of Algeria had obtained his information from human rights documentation to be found in European regional institutions, for it showed that Spain had nothing to hide in that regard. Spain was open to criticism of any shortcomings in its constitutional system and welcomed all suggestions. The case of El Ejido was well-known: it had been a very specific rural situation, in which racial tensions had exploded. The local authorities, the forces of law and order and the courts had been extremely careful to establish the facts and punish those responsible. It was surprising to hear the case cited as being in any way representative of the situation in Spain.

The meeting rose at 9 p.m.